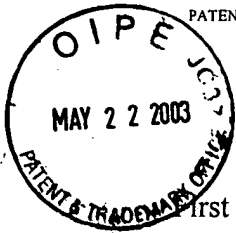




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PATENT TRADEMARK OFFICE

Patent
Case No.: 57135US002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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First Named Inventor: KRECH, JOHN E.
Application No.: 09/990601 Group Art Unit: 1772
Filed: November 21, 2001 Examiner: Walter Aughenbaugh
Title: PLASTIC SHIPPING AND STORAGE CONTAINERS AND COMPOSITION AND
METHOD THEREFORE

SUMMARY OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<u>CERTIFICATE OF MAILING</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:	
<u>May 19, 2003</u> Date	<u>Lydia M. Cahill</u> Signed by: Lydia M. Cahill

Applicant's attorney, Lorraine Sherman, acknowledges with thanks the telephone interview kindly accorded her on April 29, 2003 by Examiner Aughenbaugh and Supervisory Examiner Pyon.

- A. A set of 40 claims titled "PROPOSED CLAIMS" was submitted by fax prior to the interview so that the Examiners could review proposed amended and new claims for discussion purposes during the upcoming telephone interview.
- B. At least claims 1, 2, 3, 4, 5, 7, 8, 15-17, 26, 30, and 38 were discussed.
- C. All of the prior art cited in the Office Action dated 02/20/2003 was discussed, i.e. Nagano et al., Nishitani et al., Radican, Adedeji et al., and Perez et al.

- D. An amendment to claim 1, defining the friction material as being rubber-free, was discussed and the Examiners agreed that this amendment overcame the rejection to this claim based on the cited art.

A new claim drawn to the composition of the plastic container (claim 30 in "Proposed Claims") of the invention further comprising a non-halogenated flame retardant (one of the listed additives of pending claim 2) was discussed. The Examiners agreed that this amendment presented in an independent claim would overcome the rejection to such a claim based on the cited art.

The 35 U.S.C. 112, first and second paragraph rejections were discussed. As to claims 1, 2, 3, 5, 7, and 8, alternative clarifying wording that maintained the scope of the claims was agreed to by the Examiners and Applicant's attorney. As to claim 4, Applicant stated she would look for precedence in U.S. Patent claims for including an Underwriters Laboratories (UL) protocol in claim 4, such an inclusion being objected to by the Examiners. Applicant's Amendment includes clarifying language in claim 4 and also provides an example of precedence in a U.S. patent claim including a UL protocol.

Applicant discussed possible inclusion of additional new claims in the Response, as for example, an independent claim drawn to the composition of the plastic container of the invention comprising a foamed structure. The Perez et al. reference was discussed.

- E. As to principal arguments:

The thrust of the argument for overcoming the rejection of independent claim 1 was based on lack of teaching or suggestion in the art cited to a polyolefin/thermoset plastic container having friction material on one or more surfaces thereof, the friction material being rubber-free.

The thrust of an argument for an independent claim drawn to a polyolefin/thermoset plastic container comprising a non-halogenated flame retardant resides in lack of teaching or suggestion in the art cited for such an additive.

F. General indication of other pertinent matters discussed:

The rejection of claims 15-17 based on Nagano et al. in view of Nishitani et al., and further in view of Perez et al. was discussed. Since claim 1, as amended, is not taught or suggested in Nagano et al. in view of Nishitani et al., dependent claim 15-17, containing more definition, would likewise be distinguished from the art cited in this rejection. Perez et al. was discussed and Applicant's attorney pointed out that Perez et al. discloses in col. 3, lines 37-38, that the composition of the invention can be applied to a storage vessel. A coating on a conventional storage vessel was envisioned by Perez et al. There is no suggestion that the composition itself would be suitable for a storage vessel.

G. The Examiners recognized the novelty and unobviousness of independent claims drawn to a container of the invention comprising a polyolefin/thermoset polymeric composition comprising at least one of 1) a non-rubber friction material on at least one surface of the container, and 2) a non-halogenated flame retardant.

Agreement was reached on overcoming the 112 rejections except for claim 4. The wording of claim 4 has now been clarified and U.S. claim precedence for a UL protocol (e.g. U.S. Patent No. 6,536, 169, claim 16) has been provided in the Amendment. It is submitted the rejection of claim 4 has been overcome.

Respectfully submitted,

May 19, 2003
Date

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